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09/707,814	11/07/2000	Mark D. Morrison	MORRISON 00.02	1159

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 12/19/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/707,814

Applicant(s)

MORRISON, MARK D.

Examiner

Joy K Contee

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.84(h)(5) because Figure 2 shows modified forms of construction in the same view. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure is objected to because the abstract is limited to 150 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6,11 and 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Furono, U.S. Patent No. 5,724,667.

Regarding claim 1, Furono discloses a cable retractor assembly, comprising:  
an enclosure for housing a rotatable reel, the enclosure having a first side and an opposing side (col. 3,lines 25-32),

a biasing member coupled to the reel and the enclosure for urging the reel to rotate in a predetermined direction (col. 3,lines 42-50)

inherently a first plurality of terminals (e.g., for battery connection) disposed on the first side of the enclosure (i.e., reads on cabinet), and second plurality of terminals disposed on the second side of the enclosure, the first plurality of terminals electrically coupled (i.e., via circuit board) to the second plurality of terminals (col. 3,lines 12-41 and col. 6, line 64 to col. 7, line 4, see Figs. 3,6 and 8).

Regarding claim 2, Furono discloses the cable retractor of claim 1, wherein the first plurality of terminals is coupleable to a battery charger (i.e., reads on removable battery 23) and the second plurality of terminals is coupled (i.e., via leaf switch 67) to an electronic device (i.e., reads on removeable earphone) (col. 3, lines 12-17 and col. 6, line 64 to col. 7,line 4, see Fig. 8).

Regarding claim 3, Furono discloses the cable retractor of claim 2, wherein the electronic device is a wireless phone (i.e., reads on description of portable telephone shown in Fig. 8, the circuit board attaches all terminals within housing cabinet, hence cable retractor is included and attached to wireless phone, as well) (col. 5,line 53 to col.6,line 67).

Regarding claim 4, Furono discloses the cable retractor of claim 3, wherein the wireless phone is a cellular phone (i.e., reads on radio transmission as is inherent to cellular) (col. 5, lines 61-63).

Regarding claim 5, Furono discloses the cable retractor of claim 1, further comprising a length of cable having a first end and a second end, the first end of the cable coupled to the rotatable reel and the second end of the cable comprising a speaker (col. 3, lines 23-24 see Fig. 3).

Regarding claims 6 and 11, Furono discloses a portable communications device, comprising:

- a cable retractor for retracting a coupled cable (onto a rotatable reel)(see Fig. 3, col. 3, lines 42-67),

- a sensor (i.e., detection switch 67) for sensing motion of the coupled cable (via rotation of the reel) (col. 3, line 59 to col. 4, line 6),

- a circuit (i.e., duplexer 81) for determining the presence of an incoming call (i.e., reads on antenna 12 receiving signal from calling party ) (col. 5, lines 64-66, see Fig. 8),

- a micro controller (i.e., or just controller) programmed to pick up the incoming call when the sensor senses motion (i.e., reads on based on detection signals from the detection switches 67 and 68 performing switching between an on-hook state and off-hook state (col. 4, lines 51-59 and col. 5, lines 50-52).

Regarding claim 16, Furono discloses a method for picking up an incoming call on a communications device, comprising the steps of:

receiving a signal (i.e., via antenna 12) of an incoming call (col. 5, lines 65-66, see Fig. 8),

monitoring a motion sensor (i.e., reads on detection switch 67) (col. 3, line 59 to col. 4, line 6), and

picking up the incoming call when the sensor senses motion (i.e., going to off-hook state)(col. 4, lines 51-59 and col. 5, lines 50-52).

Regarding claim 17, Furono discloses the method of claim 16, wherein the communications device is a wireless phone (i.e., reads on description of portable telephone shown in Fig. 8, the circuit board attaches all terminals within housing cabinet, hence cable retractor is included and attached to wireless phone, as well) (col. 5, line 53 to col. 6, line 67).

Regarding claim 18, Furono discloses method of claim 17, wherein the communications device is a cellular phone (i.e., reads on radio transmission as is inherent to cellular) (col. 5, lines 61-63).

Regarding claim 19, Furono discloses a method of claim 16, wherein picking up of the incoming call couples the incoming call to the speaker (i.e., inherent in "off-hook" state) (col. 7, lines 5-15).

Regarding claim 20, Furono discloses method of claim 16, wherein the motion sensor (i.e., detection switch 67) senses motion of a cable (col. 4, lines 1-6).

Regarding claim 21, Furono discloses method of claim 16, wherein the motion sensor senses motion of a rotatable reel (i.e., inherent that reel is moving when cable or cord is moved)(col. 3, line 23 to col. 4, line 6).

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 27-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Thornton, U.S. Patent No. 6,082,656.

Regarding claim 27, Thornton discloses a portable communications device, comprising:

a communications circuit for sending and receiving wireless communications signals (col. 4, lines 7-46),

a cable retractor assembly for retracting a coupled cable, the cable comprising a first end and a second end, the first end coupled to the communications circuit and the second end comprising a speaker (col. 3, lines 19-39), and

an enclosure for housing the communications circuit and the retractor (col. 3, lines 31-39).

Regarding claim 28, Thornton discloses the portable communications device of claim 27, further comprising a microphone coupled to the cable an inherently spaced distance from the speaker (see Fig. 1).

Regarding claim 29, Thornton discloses the portable communications device of claim 28, further comprising an enclosure (i.e., reads on cradle) for housing the speaker and a microphone (col. 3, lines 27-29).

Regarding claim 30, Thornton discloses a cable retraction assembly, comprising:  
a reel rotatable about an axis for the winding and unwinding of a cable, the cable having at least two electrical conductors (col. 3, line 66 to col. 4, line 24),

a biasing member coupled to the reel for urging the reel to rotate in a first direction (col. 4, lines 6-18); and

a force applicator for resisting winding and unwinding of the cable (col. 4, line 26-56).

Regarding claim 31, Thornton discloses the cable retraction assembly of claim 30, further comprising a speaker coupled to the cable for generating sound waves (col. 3, lines 19-24).

Regarding claim 32, Thornton discloses the cable retraction assembly of claim 31, further comprising a microphone coupled to the cable for detecting sound waves (col. 3, lines 19-24).

Regarding claim 33, Thornton disclose the cable retraction assembly of claim 30, wherein the enclosure (i.e., reads on cradle) is detachably coupleable to an electronic device (col. 3, lines 2-9).

Regarding claim 34, Thorton discloses the cable retraction assembly of claim 33, wherein the electronic device is a portable communication device (col. 1, lines 63-66).

Regarding claim 35, Thornton discloses a portable electronic device, comprising:



an electrical circuit capable of generating signals (col. 3, lines 10-18),

a cable having a first end and a second end, the first end coupled to the electrical circuit (col. 4, lines 19-24),

a speaker disposed at the second end of the cable for inherently converting the signals into sound waves (col. 3, lines 19-23),

a cable retractor comprising a reel rotatable about an axis for the winding and unwinding of a cable, the cable having at least two electrical conductors (col. 3, lines 30-39),

a biasing member coupled to the reel for urging the reel to rotate in a first direction (col. 4, lines 6-19); and

a moveable force applicator for resisting winding and unwinding of the cable (col. 4, lines 25-65).

Regarding claim 36, Thornton discloses the portable electronic device of claim 35, further comprising a transceiver for inherently transmitting and receiving data (col. 3, lines 10-18).

Regarding claim 37, Thornton discloses the portable electronic device of claim 36, wherein the transceiver operates at radio frequencies (i.e., inherent for cellular telephones) (col. 1, lines 63-65).

Regarding claim 38, Thornton discloses the portable electronic device of claim 35, further comprising a microphone couple to the cable for detecting sound waves (col. 3, lines 19-24).

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Regarding claim 39, Thornton discloses the portable electronic device of claim 35, further comprising an enclosure for housing the electrical circuit, the reel, the biasing member, the force applicator, and a portion of the cable (col. 3, lines 30-50).

Regarding claim 40, Thornton discloses the portable electronic device of claim 35, wherein the portable electronic device is a selected one of AM/FM radio, a CD player, a cassette player, a radio phone, and a cellular phone (col. 1, lines 63-65).

Regarding claim 41, Thornton discloses a cable retractor, comprising:  
an enclosure mechanically coupleable to a portable electronic device (col. 3, lines 30-50),

a rotatable reel (col. 3, lines 30-39),

a biasing member secured to the enclosure and the reel to urge the reel to rotate in a predetermined direction (col. 4, lines 6-19),

a length of cable having a first end and second end, the first end coupled to the reel and the second end having a speaker coupled thereto (col. 3, lines 10-18),

a plurality of terminals secured to the enclosure, the terminals electrically coupled to the first end of the cable and electrically coupleable to the portable electronic device (col. 3, lines 10-30).

Regarding claim 42, Thornton discloses the cable retractor of claim 41, further comprising a microphone coupled to the cable for detecting sound waves (col. 3, lines 19-24).

Regarding claim 43, Thornton discloses the cable retractor of claim 41, wherein the portable electronic device is a selected one of a AM/FM radio, a CD player, and a cassette player, a radio phone, and a cellular phone (col. 1, lines 63-65).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuno, in view of Blonder et al. (Blonder), U.S. Patent No. 5,564,082.

Regarding claims 7- 8 and ,12-13, Furuno discloses the limitation of claims 6 and 11, respectively, but fails to disclose wherein the sensor is a Hall effect sensor or an optical sensor.

In a similar field of endeavor, Blonder is evidence of both a Hall effect sensor and an optical sensor for sensing movement of a speaker from a cradle (col. 3, lines 34-40).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Furuno to include such well known sensors for the purpose of sensing movement of the cord and reel.

Regarding claims 9-10 and 14-15, Furuno discloses the cable retractor of claims 6 and 11, respectively, but fails to disclose further comprising a speaker or microphone coupled to cable a first spaced distance from the sensor.

In a similar field of endeavor, Blonder discloses comprising both a speaker and microphone coupled to cable (i.e., reads on top layer 12, see Fig. 7) a first spaced distance from the sensor (col. 3, lines 3-40).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Furuno to include such well known sensors for the purpose of sensing separation movement of the cord (i.e., reads on top layer 12) for "off-hook" state.

10. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuno, in view of Isberg et al. (Isberg), U.S. Patent No. 6,587,674.

Regarding claim 22, Furuno discloses the limitations as applied above in claim 1, but fails to disclose an actuator coupled to the enclosure to signal the communication device to pick up an incoming call.

In a similar field of endeavor, Isberg discloses an actuator (i.e., reads on engaging element) coupled to the enclosure to signal the communication device to pick up an incoming call (col. 5, lines 10-30).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Furuno to include an actuator to achieve automatic "off-hook" based on an incoming call for the purpose of providing the user with less actions to take in answering a call.

Regarding claim 23, Furuno discloses the method of claim 22, wherein the communications device is a wireless phone (i.e., reads on description of portable telephone shown in Fig. 8, the circuit board attaches all terminals within housing

cabinet, hence cable retractor is included and attached to wireless phone, as well) (col. 5, line 53 to col. 6, line 67).

Regarding claim 24, Furuno as modified by Isberg, discloses method of claim 22, wherein the communications device is a cellular phone (i.e., reads on radio transmission as is

Regarding claim 25, Furuno as modified by Isberg disclose the cable retractor assembly of claim 22, further comprising a terminal (i.e., reads on circuit board) for coupling the signal to the coupleable communications device (col. 3, line 18 to col. 4, line 46).

Regarding claim 26, Furuno and Isberg disclose the cable retractor assembly of claim 22, Furuno discloses a speaker (i.e., earphone 27) coupled to a cable for generating sound waves, the cable coupled to the reel (see Fig. 2).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gitzinger et al., U.S. Patent No. 6,633,770, discloses a telecommunication device holster.

Hirata et al., Hirata et al, U.S. Patent No. 5,511,120, discloses a portable telephone set with an earphone.

Alberth et al, U.S. Patent No. 6,095,656, discloses automatic answering of incoming call, i.e., automatic off-hook state.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on 5:30 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

*J Contee*  
Joy Contee

December 13, 2003

*Marsha D Banks-Harold*  
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